

THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

* * * * *

UNITED STATES OF AMERICA	*	4:19-CR-160-SDJ-KPJ
	*	Plano, Texas
VS.	*	
	*	10:43 a.m. - 11:43 a.m.
DAVID CHRISTOPHER CYS	*	November 26, 2019

* * * * *

ARRAIGNMENT AND DETENTION HEARING

BEFORE THE HONORABLE KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE

* * * * *

Proceedings recorded by electronic sound recording
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12 TOYA MCEWEN

13

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1 P R O C E E D I N G S

2 10:43 A.M. - NOVEMBER 26, 2019

3 THE COURT: The Court calls Case No.
4 4:19-CR-160, United States vs. David Christopher --
5 I'm not entirely sure how to pronounce this last name.
6 Is it Cys (*Sice*)?

7 DEFENDANT CYS: Cys (*Sice*), yes.

8 MR. WEAVER: Thank you, Your Honor.

9 MR. GONZALEZ: Your Honor, Ernest Gonzalez for
10 the Government. The Government is ready to proceed.

11 THE COURT: Good morning.

12 MR. GONZALEZ: Good morning.

13 **[Pause]**

14 THE COURT: Mr. Cys, you can go ahead and
15 come up to the podium, please. I'm going to do your
16 arraignment first.

17 DEFENDANT CYS: Oh, where, right here?

18 THE COURT: Yes.

19 MR. WEAVER: Your Honor, Richard Weaver for
20 Mr. Cys. I just haven't announced yet. With regard
21 to the arraignment, is that on the Second Superseding
22 Indictment?

23 THE COURT: Yes.

24 MR. WEAVER: And to be honest with you, Your
25 Honor, I haven't been able to go over the Count Four

1 that was alleged in that Indictment, but I will.

2 THE COURT: Okay.

3 MR. WEAVER: If you'll give me a moment.

4 THE COURT: All right. You let me know when
5 you're ready.

6 ***[Pause]***

7 MR. WEAVER: Thank you, Your Honor.

8 THE COURT: Okay. Mr. Cys, please raise your
9 right hand to be sworn.

10 DEPUTY CLERK: You do solemnly swear that the
11 testimony you are about to give in the cause before the
12 Court will be the truth, the whole truth, and nothing
13 but the truth, so help you God?

14 DEFENDANT CYS: Yes.

15 DEPUTY CLERK: Thank you.

16 THE COURT: We're here today, sir, for your
17 arraignment, as well as your Motion to Reopen the
18 Detention Hearing. As you know, you've been charged
19 with violations of federal criminal law in the Second
20 Superseding Indictment. Have you received a copy of
21 that Indictment?

22 DEFENDANT CYS: My attorney just put it in
23 front of me. He told me what he knew, what the changes
24 were.

25 THE COURT: Okay. Do you want more time to

1 look at it?

2 DEFENDANT CYS: No, ma'am.

3 THE COURT: Okay. You do have the right to
4 have this Indictment read aloud at this time or you may
5 waive that right. What would you like to do?

6 DEFENDANT CYS: I'll waive the right, Your
7 Honor.

8 THE COURT: All right. I will ask
9 Mr. Gonzalez is you will please advise Mr. Cys of the
10 charges contained in this Indictment, as well as the
11 associated penalties.

12 MR. GONZALEZ: Yes, Your Honor. It's a
13 four-count Indictment, Second Superseding Indictment.
14 Count One alleges a violation of Title 21, United
15 States Code, Section 846, Conspiracy to Possess with
16 the Intent to Manufacture and Distribute GHB.

17 Count Two alleges a violation of Title 21,
18 United States Code, Section 846, Conspiracy to Possess
19 with Intent to Manufacture and Distribute
20 Methamphetamine.

21 Count Three alleges a violation of Title
22 21, United States Code, Section 848(a), Continuing
23 Criminal Enterprise.

24 And Count Four alleges a violation of
25 Title 18, United States Code, Sections 1956(h) and

1 1956(a)(2)(A) and (a)(2)(B)(i), Conspiracy to Commit
2 Money Laundering.

3 And it also gives a Notice of Intent to
4 Seek Criminal Forfeiture.

5 A possible range of punishment for the
6 offenses are as follows:

7 For Count One, imprisonment for a term of
8 not more than 20 years, a fine not to exceed \$1
9 million, or both, and a term of supervised release of
10 at least three years. And there is a \$100 Special
11 Assessment.

12 For Count Two, if 500 grams or more of a
13 mixture or substance containing a detectable amount of
14 methamphetamine, or 50 grams or more of methamphetamine
15 actual, not less than 10 years and not more than life
16 imprisonment, a fine not to exceed \$10 million, or
17 both, and a term of supervised release of at least five
18 years. And there is a \$100 Special Assessment.

19 For Count Three, any person who engages in
20 a continuing criminal enterprise shall be sentenced to
21 a term of imprisonment, which may not be less than 20
22 years and which may be up to life imprisonment, a fine
23 not to exceed \$2 million, or both, and a term of
24 supervised release of at least eight years. If any
25 person engages in such activity after one or more prior

1 convictions under this section have become final, he or
2 she shall be sentenced to a term of imprisonment, which
3 may not be less than 30 years and which may be up to
4 life imprisonment, a fine not to exceed \$4 million, or
5 both, and a term of supervised release of at least 10
6 years. And there is a \$100 Special Assessment.

7 For Count Four, punishment is not more
8 than 20 years imprisonment, a fine not to exceed
9 \$250,000, or twice the pecuniary gain or loss, and a
10 term of supervised release of not more than three
11 years. And there is a \$100 Special Assessment.

12 THE COURT: Thank you.

13 Sir, do you understand the nature of the
14 charges alleged against you?

15 DEFENDANT CYS: Yes, ma'am.

16 THE COURT: All right, please state your full
17 name and age for the record.

18 DEFENDANT CYS: David Christopher Cys, age 52.

19 THE COURT: What is the last grade of school
20 you've completed?

21 DEFENDANT CYS: A Associate's Degree in
22 college.

23 THE COURT: Have you ever been diagnosed with
24 any mental illness or problem?

25 DEFENDANT CYS: No.

1 THE COURT: Are you currently under the
2 influence of any drug or alcohol?

3 DEFENDANT CYS: No.

4 THE COURT: Mr. Weaver, do you believe your
5 client is competent to proceed here today?

6 MR. WEAVER: Yes.

7 THE COURT: Mr. Cys, then I'll ask you, with
8 respect to Counts One through Four in the Second
9 Superseding Indictment, how do you plead, guilty or not
10 guilty?

11 DEFENDANT CYS: Not guilty.

12 THE COURT: I'll accept your plea of not
13 guilty to Counts One through Four. You do have a
14 Pretrial Conference set before Judge Jordan on January
15 6, 2010.

16 All right, with respect to defendant's
17 Motion to Reopen the Detention Hearing, I believe that
18 motion is opposed.

19 MR. GONZALEZ: That is correct, Your Honor.

20 THE COURT: The Initial Detention hearing was
21 waived by defendant.

22 Mr. Gonzalez, what's the basis of the
23 objection or opposition?

24 MR. GONZALEZ: Well, Your Honor, the defendant
25 is looking at a substantial amount of time. The

1 presumption does apply. We believe that based on the
2 information provided in the Pretrial Services Report,
3 he continues to be a continuing threat to the community
4 and a risk of flight.

5 THE COURT: All right, Mr. Weaver, what is the
6 basis for asking the Court to reopen the issue of
7 detention?

8 MR. WEAVER: If I may have just a moment, Your
9 Honor.

10 **[Pause]**

11 When we appeared initially for our
12 Detention Hearing, we were told by the Court that if
13 certain things came about or things changed, we could
14 ask the Court for a new Detention Hearing. We believe
15 those things have changed.

16 THE COURT: Can you just give me a summary of
17 what has changed.

18 MR. WEAVER: Well, we have -- we have a
19 third-party custodian now available, which wasn't
20 available at that Detention Hearing. We believe that
21 Mr. Cys' circumstances have changed with regard to
22 being able to get released and believe that there are
23 circumstances that should be made known to the Court as
24 to why he believes and why the presumption shouldn't
25 apply in his particular case. Or we believe we can

1 overcome the presumption.

2 THE COURT: Okay. Yeah, I was going to say I
3 don't -- I mean --

4 MR. WEAVER: It's going to apply.

5 THE COURT: Presumption applies.

6 MR. WEAVER: Yes.

7 THE COURT: It's whether you can present
8 evidence to overcome it.

9 MR. WEAVER: Yes.

10 THE COURT: Do you have your third party
11 custodian here today?

12 MR. WEAVER: I do.

13 THE COURT: Okay. All right, I'll grant the
14 motion. I think y'all are prepared to go forward with
15 the Detention Hearing; correct?

16 MR. GONZALEZ: Yes, Your Honor.

17 THE COURT: All right. And for the record,
18 have each of you received a copy of the Pretrial
19 Services Report?

20 MR. GONZALEZ: Yes from the Government.

21 MR. WEAVER: Yes.

22 THE COURT: Any objections or modifications
23 that you want to request to it?

24 MR. GONZALEZ: No, Your Honor.

25 MR. WEAVER: If I could have just a moment,

1 Your Honor.

2 **[Pause]**

3 Your Honor, with regard to the Pretrial
4 Services Report, one of the, I guess, risk dangers
5 that was assessed in this is violent behavior in his
6 history. If you're looking through the Pretrial
7 Services Report, there were two incidents, it would
8 appear, of aggravated assault with a deadly weapon.
9 One of those, the first one that was alleged back in
10 2001 was dismissed. I've been informed that with
11 regard to the one that is pending from April of 2019,
12 Mr. Cys has a retained lawyer on those cases, and that
13 retained lawyer is standing by if the Court needs to
14 talk to him. Those cases are supposed to be dismissed
15 once Mr. Cys is able to make an appearance in those
16 cases.

17 Mr. Cys currently has, I would suppose,
18 holds for those two cases on him as a result of his
19 incarceration in this case. But if he's released on
20 this case, those bonds are going to be reinstated, he
21 will be appearing in Dallas court on those cases and
22 it's my understanding, according to his retained
23 lawyer, that they will be dismissed.

24 THE COURT: Well, but if he has -- if he has
25 pending bonds, the marshals can't release him. Even

1 if the Court were to find that he could be released,
2 if there's bonds from other courts, that he won't be
3 released.

4 MR. WEAVER: Well, those bonds are going to
5 get reinstated. Upon receipt of information that he's
6 released here, the bonding company will reinstate those
7 bonds so that he can released here.

8 THE COURT: Oh, okay.

9 MR. WEAVER: Once they get notification from
10 the Court that -- (*Defendant speaks with attorney*). As
11 he just told me, the lawyer -- and it's normal. The
12 lawyer didn't want to get the bonds reinstated until it
13 was certain that he was going to get released here.

14 THE COURT: So you're saying that if he were --
15 if the Court were to say he could be released, that the
16 holds would be lifted in the state court?

17 MR. WEAVER: Yes, because the bonds would be
18 reinstated.

19 THE COURT: Okay. Okay. Anything else with
20 regards to the report?

21 MR. WEAVER: Generally, no, Your Honor.

22 THE COURT: Okay. I will note for the record
23 that I believe the information -- the Pretrial Services
24 Officer was not able to verify the information
25 contained in the report.

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1 All right, Mr. Weaver, if you want to have
2 a seat at counsel table with your client.

3 Mr. Gonzalez, you may call your witness.

4 MR. GONZALEZ: Yes, Your Honor. The Government
5 would call Special Agent Sean Geary.

6 DEPUTY CLERK: If you will raise your right
7 hand, please. You do solemnly swear that the testimony
8 you're about to give in the cause before the Court will
9 be the truth, the whole truth, and nothing but the
10 truth, so help you God?

11 THE WITNESS: Yes, ma'am, I do.

12 DEPUTY CLERK: Be seated, please.

13 THE WITNESS: Thank you.

14 MR. GONZALEZ: May I proceed, Your Honor?

15 THE COURT: Yes.

16 **SPECIAL AGENT SEAN GEARY, CALLED BY THE GOVERNMENT**

17 **DIRECT EXAMINATION**

18 **BY MR. GONZALEZ:**

19 Q. Sir, would you please state your full name for the
20 Court and the record.

21 A. Sean Geary.

22 Q. Spell your last name for us.

23 A. G-e-a-r-y.

24 Q. How are you employed?

25 A. I'm employed as a Special Agent with the Drug

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1 Enforcement Administration.

2 Q. And prior to coming on with the DEA, did you have
3 any law enforcement experience?

4 A. I did as a police officer in Massachusetts for
5 seven years.

6 Q. Okay. And have you received any specialized
7 training with DEA?

8 A. Yes, I have.

9 Q. And have you attended any academies?

10 A. Yes, I did.

11 Q. Can you explain that to us?

12 A. I went to an 800-plus hour training academy with
13 the Drug Enforcement Administration, learning tactics
14 techniques used by drug traffickers, investigatory ways
15 to investigate these drug trafficking organizations.

16 Q. And you had attended a prior academy when you
17 joined the police department?

18 A. Yes, I had.

19 Q. Okay. And based on your position with DEA, are you
20 familiar with an individual by the name of David
21 Christopher Cys?

22 A. Yes, I am.

23 Q. Do you see that individual in the courtroom today?

24 A. Yes, I do.

25 Q. Would you point to where he's seated and indicate

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1 an article of clothing that he's wearing?

2 A. Yes, he's wearing a white shirt.

3 MR. GONZALEZ: Your Honor, may the record --

4 A. White --

5 BY MR. GONZALEZ:

6 Q. Go ahead.

7 A. White jumpsuit.

8 MR. GONZALEZ: May the record reflect that the
9 witness has identified the defendant?

10 THE COURT: Yes, it will so reflect.

11 BY MR. GONZALEZ:

12 Q. Now, sir, are you familiar with the investigation
13 that led to the arrest of the defendant?

14 A. Yes, I am.

15 Q. Can you summarize that investigation for the Court,
16 please?

17 A. Yes. In about April of 2019, two co-defendants
18 were arrested in The Colony, Texas. They were found
19 in possession of methamphetamine and GHB. During a
20 post-arrest statement, one of those co-defendants
21 identified David Cys as a high-level GHB distributor in
22 Dallas, Texas; stated that he had numerous people that
23 worked for him cooking GHB. That co-defendant
24 explained that Mr. Cys would purchase large amounts of
25 GBL, which is a pre-cursor chemical for GHB, and he had

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1 what he explained were cooks working for him that would
2 convert the GBL into GHB.

3 Following that arrest, several other
4 co-defendants were identified in the organization and
5 controlled purchases were made. Two such in April of
6 2019 was a purchase of methamphetamine from a
7 co-defendant, Rafael Ramirez, and a subsequent purchase
8 of GHB from Rafael Ramirez.

9 In May of 2019, agents learned that Mr. Cys
10 was attempting to sell about 45 gallons of GBL and I
11 began talking as an undercover with Mr. Cys in an
12 attempt to purchase that from him. Prior to doing
13 that, Mr. Cys provided a DEA confidential source with a
14 free sample of GHB and GBL. And following that free
15 sample, I purchased the approximate 45 gallons of GBL
16 from Mr. Cys in Lewisville, Texas for \$15,000.

17 Following that purchase, I maintained
18 conversation with Mr. Cys and negotiated the purchase
19 of a pound of methamphetamine from him. That purchase
20 went through a confidential source. During that
21 purchase, the confidential source went to Mr. Cys'
22 house in Dallas, Texas. The methamphetamine arrived
23 and Mr. Cys provide it to the confidential source.
24 While the confidential source was there, we observed
25 Mr. Cys smoking methamphetamine.

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1 Following that purchase, I arranged to
2 purchase another pound of methamphetamine from Mr. Cys.
3 That purchase went through and he was eventually
4 arrested after I ordered a kilo from him, a kilo of
5 methamphetamine. During a search warrant of his house,
6 GHB and GBL were located. Methamphetamine and firearms
7 were located.

8 Q. All right, so you were dealing directly with the
9 defendant; correct?

10 A. Yes.

11 Q. In an undercover capacity?

12 A. Yes, I was.

13 Q. And you were negotiating with him the purchase of
14 not only the quantity, but the purchase price for the
15 drugs that you were purchasing from him?

16 A. Yes.

17 Q. And you indicated that you were buying GBL,
18 correct, and that's a precursor to GHB?

19 A. Yes.

20 Q. And does the GBL convert directly to the same
21 quantity of GHB?

22 A. No, the conversion rate is about two-to-one, so one
23 gallon of GBL would make about two gallons of GHB. And
24 this was explained to me by Mr. Cys. He explained the
25 process of making GHB during that undercover purchase

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1 of the GBL from him. And as part of this
2 investigation, we went into where he obtained the GBL
3 from, which would have been several chemical companies
4 throughout the country. Mr. Cys maintained what we
5 consider to be a front company, an information
6 technology company called The Geek Group, LLC, which he
7 used to purchase the GBL, saying that was for cleaning
8 computer parts.

9 Q. So GBL can be used for that purpose, to clean
10 computer parts, but it can also be used to manufacture
11 GHB?

12 A. Yes.

13 Q. And basically, Mr. Cys had a company that he would
14 use as a front to be able to purchase that GBL, which
15 he then converted to GHB, and distribute it?

16 A. Yes, that's correct.

17 Q. And you testified that he had individuals that were
18 working for him; is that correct?

19 A. Yes.

20 Q. And he had individuals that you indicated were
21 either cooking or distributing the GHB for him;
22 correct?

23 A. Cooking, distributing, and several people that were
24 described as people that took orders from him, they
25 would run errands for him and do whatever he requested

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1 of them.

2 Q. So, based on your training and experience in
3 handling these types of cases, he would have a
4 supervisory role over some of these other individuals;
5 correct?

6 A. Yes.

7 Q. And in regards to the quantities that he said
8 during your conversation with him that he could provide
9 you, what quantities did he say he could provide you?

10 A. Large amounts we purchased, what came out to be
11 about 216 kilograms of GBL from him. Mr. Cys explained
12 that he could sell multiple barrels of -- a barrel
13 would have been 45 gallons, which he purchased. He
14 explained that he could sell multiple barrels to us
15 and he could also come up with and sell us kilogram
16 quantities of methamphetamine.

17 Q. Okay. And where was he receiving the GBL; do you
18 know?

19 A. Receiving the GBL at two different locations, one
20 of which being his residence on Clearwater Drive in
21 Dallas, and we observed two barrels arrive there on
22 one occasion. The second location would have been a
23 warehouse maintained by Mr. Cys and Mr. Ramirez at
24 [Switzer Avondale], Texas.

25 Q. And if you had to estimate the number of persons

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1 that he had working for him or working under him, what
2 would that number be?

3 A. It would be approximately 10.

4 Q. Okay. Now, you also mentioned that he was involved
5 in the distribution of methamphetamine and that you
6 purchased how much methamphetamine directly from him or
7 negotiated directly with him?

8 A. We purchased directly from him one pound on two
9 separate occasions, so two pounds. And I also ordered
10 an additional kilogram from him, which did arrive at
11 the house. However, that was not purchased.

12 Q. But that was seized?

13 A. That was seized, yes.

14 Q. And you also indicated that the confidential
15 informant had the opportunity to enter the house and
16 witness the defendant using methamphetamine; correct?

17 A. Yes, that's correct.

18 Q. And that would have been during the time period of
19 this investigation; correct?

20 A. Correct.

21 Q. And that would have been sooner than two years ago;
22 correct?

23 A. Much sooner. That would have been in May or June
24 of this -- of 2019.

25 Q. So, if he indicated to Pretrial Services that his

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1 last use of methamphetamine was two years ago, that
2 would be a lie; correct?

3 A. Yes, that is a lie. On the same occasion he also
4 boasted to me on the phone that he had smoked
5 methamphetamine and that it was a good product.

6 Q. So that would be a lie if he indicated to Pretrial
7 that he had not used for two years?

8 A. Yes.

9 Q. All right. Now, in regards to the total quantity --
10 strike that. You've spoken to other individuals that
11 were involved in this conspiracy; correct?

12 A. Yes, that's correct.

13 Q. And they provided you information in regards to
14 their activities, as well as the activities of the
15 defendant; correct?

16 A. Correct.

17 Q. And did they talk to you about the total quantities
18 of methamphetamine that were involved -- that involved
19 the defendant?

20 A. Yes, they did.

21 Q. And if you had to estimate the total quantity of
22 methamphetamine that had been involved with the
23 defendant during the term of the conspiracy with other
24 co-conspirators that have cooperated, what would that
25 quantity be?

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1 A. That quantity within the past year would have been
2 between 20 to 40 kilograms of methamphetamine.

3 Q. All right. And in regards to GBL or GHB, would you
4 have an estimate for that quantity?

5 A. I don't off the top of my head. A very, very large
6 amount.

7 Q. So large amounts?

8 A. Yes.

9 Q. Would you say in the thousands of gallons?

10 A. Yes.

11 Q. Okay. All right. Now, you also indicated that at
12 the time of his arrest you found other drugs and drug
13 paraphernalia at his residence. Were you there for the
14 search?

15 A. I was.

16 Q. Can you tell the Court exactly what you found at
17 the residence? Did you also search the warehouse?

18 A. We did not search the warehouse.

19 Q. Okay. So what did you find at the residence?

20 A. At the residence there were the barrels of GBL that
21 had been purchased. There was still remnants of GBL on
22 them, they weren't full. There was several ounces of
23 methamphetamine and drug use paraphernalia. There was
24 pipes and paraphernalia to make me think that drug use
25 was going on inside of the house along with

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1 distribution. There was also firearms located from the
2 house.

3 Q. Okay. And that was the same residence that the
4 controlled purchases had been conducted in; that would
5 be the residence in Clearwater?

6 A. Yes.

7 Q. Clearwater Avenue?

8 A. Yes, that's correct.

9 Q. Okay. And to your knowledge, who was living there
10 with the defendant at that address?

11 A. At that address we believe several co-defendants
12 were living with Mr. Cys: Nicole Martinez, Tony
13 Bounds, Brandon Brumfield, amongst others. There were
14 several other people seen during the investigation that
15 would be there for several days at a time, but not
16 necessarily living there.

17 Q. And were they also using methamphetamine and GHB
18 there at that particular location?

19 A. Yes, they were.

20 Q. And they were doing this with the -- obviously the
21 defendant's consent?

22 A. Yes.

23 Q. Okay. And during surveillance, were other
24 individuals seen going to that residence and purchasing
25 drugs?

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1 A. Yes, they were.

2 Q. On few or many occasions?

3 A. On multiple occasions.

4 Q. Okay. Now, are you familiar with the defendant's
5 criminal history?

6 A. Yes, I am.

7 Q. And what do you know it to be?

8 A. I know there's guilty convictions of fraud,
9 identity theft, theft, things of that nature. I know
10 there's an open case out of Dallas County for
11 aggravated assault with a deadly weapon.

12 Q. Okay. And going back to the search of the
13 residence, did you find any indications, any
14 documentations of fraud or fake IDs or anything of that
15 nature?

16 A. Yes, I did. During the search of the residence, I
17 located numerous fraud related documents. There were
18 fake IDs with Mr. Cys' photo, but with different
19 people's information on them. Looked like there were
20 fake checks that were made out to different companies,
21 lots and lots of documents like that.

22 Q. Okay. And you indicated that he was using the
23 business that he owned as a front to be able to receive
24 the GHB. Was he also using that business to launder
25 the money?

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1 A. As far as we know, he was, yes.

2 Q. Okay. All right, getting back to his criminal
3 history, I think there is a theft in 1987, so it shows
4 a pattern of contact with law enforcement dating back
5 to 1987; correct?

6 A. Yes.

7 Q. It shows a theft back in 1987. It shows a forgery.
8 It shows another theft where he received five years
9 confinement in 1991. It shows an aggravated assault
10 with a deadly weapon that was dismissed, a possession
11 of a controlled substance, credit card and debit card
12 abuse where he received 180 days, fraud use, possession
13 of identifying information where he received five years
14 and he was revoked.

15 Do you recall him being revoked from prior
16 supervisions in your examination of his criminal
17 history?

18 A. Excuse me?

19 Q. In your examination of his criminal history, did
20 you notice that he had been revoked?

21 A. I actually did not notice that.

22 Q. Okay. Well, in 2006 he was revoked and given five
23 years confinement. And then he has another confinement
24 for fraud, use, possession, identifying information,
25 credit card abuse in 2005. Then he's got another

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1 credit card abuse in 2012, possession of a controlled
2 substance in 2012, another fraud use of identifying
3 information in 2013, and so on and so forth. And he
4 also has a false statement and property credit where he
5 receives two years probation and there's a Motion to
6 Revoke with a warrant issued. Were you aware that
7 there was a warrant issued for him?

8 A. I was not aware of that.

9 Q. Okay. All right. Now, Agent, based on your
10 training and experience and based on your investigation
11 of this case, have you formed an opinion as to whether
12 this defendant would be a continuing threat to the
13 community and risk of flight?

14 A. Yes, I do believe he would be. Based on his
15 criminal history, based on the fraudulent documents
16 that we found in the residence, I do believe he would
17 be a risk of flight along with being a risk to the
18 community. I believe he'd go back to distributing the
19 date rape drug, GHB, again.

20 Q. And so in your contacts with the defendant,
21 obviously, he had sufficient intelligence to start a
22 company; correct?

23 A. Yes.

24 Q. So he's an intelligent person, but he chose to get
25 involved in the distribution of methamphetamine and GHB

Special Agent Sean Geary - Cross by Mr. Weaver

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1 instead of the lawful business that he had started?

2 A. Yes.

3 Q. During your surveillance or your involvement in
4 this investigation, did you ever see the defendant
5 actually working in lawful employment?

6 A. No, never.

7 Q. Okay. So, basically, he dedicated himself to the
8 distribution of drugs and those around him doing the
9 same?

10 A. Yes, that's correct.

11 MR. GONZALEZ: Your Honor, that's all I have.
12 I'll pass the witness.

13 THE COURT: All right, cross-examination?

14 **CROSS-EXAMINATION**

15 **BY MR. WEAVER:**

16 Q. It's Agent Geary?

17 A. Yes, sir.

18 Q. Okay. Agent Geary, did you ever buy any GHB from
19 Mr. Cys?

20 A. Myself personally as an undercover or as part of
21 the investigation as a whole?

22 Q. Part of the investigation?

23 A. Purchase, no, but a free sample of GHB was provided
24 to us.

25 Q. How large a free sample was that?

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1 A. I think it was about a thousand grams possibly.

2 I'd have to look at the documents, but somewhere around
3 that range.

4 Q. All right. Did you ask him whether or not he could
5 sell you GHB?

6 A. No, most of my dealings with him were either
7 purchasing methamphetamine or purchasing the precursor
8 for GHB.

9 Q. Okay. Prior to you asking about the
10 methamphetamine, had you had any information that he
11 was actually selling methamphetamine?

12 A. No.

13 Q. So you inquired as to whether or not he could get
14 methamphetamine for you?

15 A. Yes, that's correct.

16 Q. And did he ever tell you that he didn't really get
17 involved with methamphetamine?

18 A. He did tell me that. However, it's contrary to
19 what other people did tell me.

20 Q. And there were -- and other people -- when you made
21 these deals, other people brought the methamphetamine
22 to the scene; is that correct?

23 A. That's correct.

24 Q. And that's not particularly unusual; right?

25 A. That's not unusual at all.

Special Agent Sean Geary - Cross by Mr. Weaver

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1 Q. But in the same token, those people that brought
2 the methamphetamine, you later came to find out, were
3 large methamphetamine dealers; is that correct?

4 A. Yes, that's correct.

5 Q. And may well have been just his source to be able
6 to get the methamphetamine you requested?

7 A. That's correct.

8 Q. Let me ask you, during the course of your
9 investigation, did you find any information in his
10 home, computers, wherever, that he was involved with a
11 product that is called Kid Saver?

12 A. I didn't find any documents about that. However,
13 he personally told me about that.

14 Q. Okay. There was nothing in the home that indicated
15 that that was part of his business?

16 A. Not that I've found yet. We did see his computers.
17 They aren't fully processed yet. So there's a chance
18 it's in there, but not that I've seen yet.

19 Q. Did you ever see Mr. Cys use meth?

20 A. Personally, no. A confidential source observed him
21 using meth, though.

22 Q. When you searched his home, that was during the
23 daytime; is that correct?

24 A. Yes, it was.

25 Q. Numerous police officers there?

Special Agent Sean Geary - Cross by Mr. Weaver

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1 A. Yes.

2 Q. Is that correct?

3 A. Yes.

4 Q. Or law enforcement officers, various kinds. Did
5 you notice any neighbors or anybody come out watching
6 y'all do your business?

7 A. Not that I took note of.

8 Q. Okay. Would it be fair to say that as far as that
9 location is concerned, it would be tough for him to do
10 any drug business there after the search and whatever
11 went on that day at his home?

12 A. I'm not sure if I understand the question.

13 Q. Well, the neighborhood would be alerted to whatever
14 activities that they now learned were going on there;
15 is that correct?

16 A. That's possible.

17 Q. Okay. Mr. Cys debriefed with you at the Collin
18 County Jail, did he not?

19 A. Yes, he did.

20 Q. During that debrief, was there actually a shade to
21 the door left open that goes down the hallway; do you
22 recall?

23 A. I don't recall that.

24 Q. Okay. Do you know if other inmates could see him
25 during that debrief?

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1 A. I don't know if anybody saw him or didn't see him.

2 Q. You mentioned there were several people living at
3 the house with Mr. Cys. Some of those people were
4 actually indicted in this case; is that correct?

5 A. Yes, that's correct.

6 Q. Not all of them?

7 A. Not all of them.

8 Q. But did you learn whether or not all of them
9 actually were users?

10 A. I did not learn about all of them, no.

11 Q. When you went to Mr. Cys' house on the day of the
12 search, did you find any GHB there?

13 A. Yes, I believe we did.

14 Q. And how much GHB do you think you found there?

15 A. Not a large quantity. I don't recall 100 percent,
16 though.

17 Q. Certainly not a quantity that would associate
18 itself with the number of barrels of GBL that were
19 there?

20 A. Correct.

21 Q. Could you briefly describe for the Court just how
22 his company was laundering money?

23 A. I don't think I could.

24 Q. Okay, how was he laundering money, then?

25 A. As far as we know, he was taking in large amounts

Special Agent Sean Geary - Redirect by Mr. Gonzalez

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1 of cash from selling GBL, thousands and thousands of
2 dollars based on the price of GBL in the gallons that
3 he was bringing in. And he did not have a legitimate
4 company that -- or legitimate means of income to
5 support his vehicles that he was paying for, to support
6 his rent, to support his every-day living expenses.

7 Q. Okay. So would you say he was using the profits or
8 the money earned from selling GBL to buy other things
9 or pay rent, utilities, that kind of thing?

10 A. Utilities, lots of computers, other things that
11 were seen in the house, yes.

12 Q. How many computers did you find in the house?

13 A. Several laptops, several tower type computers.

14 Q. Have you had a chance to download those yet?

15 A. They're at the North Texas Computer Forensics
16 Laboratory right now being processed and I'm not sure
17 of the state of them at the moment.

18 Q. Okay.

19 MR. WEAVER: I'll pass the witness.

20 THE COURT: All right, redirect?

21 MR. GONZALEZ: Just a few follow-ups.

22 **REDIRECT EXAMINATION**

23 **BY MR. GONZALEZ:**

24 Q. Now, defense counsel asked you if you directly
25 bought GBL or GHB from the defendant and you indicated

Special Agent Sean Geary - Redirect by Mr. Gonzalez

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1 that you hadn't directly bought. You bought
2 methamphetamine from the defendant directly; correct?

3 A. I indicated that I had purchased GBL from him, but
4 I had not directly purchased GHB in an undercover
5 capacity. But as part of the investigation, he did
6 provide GHB.

7 Q. And it was understood that the GBL that he was
8 selling you was for the purpose of converting it to GHB?

9 A. Yes, during the undercover meeting I had with him,
10 when I purchased the GBL, Mr. Cys explains the process
11 for making GHB, and that's what it was used for.

12 Q. And he indicated that all the GBL that he was
13 selling was for that specific purpose, for the
14 conversion to GHB?

15 A. That's correct.

16 Q. Now, you also indicated that you've interviewed
17 other individuals that were either living at the house
18 or were co-conspirators with the defendant; correct?

19 A. Yes, correct.

20 Q. And they all talked about the defendant basically
21 having this operation where he's converting GBL to GHB;
22 correct?

23 A. Yes, that's correct.

24 Q. And they were interviewed separately from one
25 another; correct?

Special Agent Sean Geary - Redirect by Mr. Gonzalez

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1 A. Correct.

2 Q. So their information corroborated one another?

3 A. Yes, that's correct.

4 Q. And it also corroborated what the confidential
5 source had told you about the defendant's involvement
6 in converting GBL to GHB and distributing that;
7 correct?

8 A. That's correct.

9 Q. And in regards to the confidential source or
10 sources that were used in this investigation, had they
11 been used before and proven to be credible and
12 reliable?

13 A. Yes, they had.

14 Q. Okay. So you relied on their information; correct?

15 A. Yes, that's correct.

16 Q. And they made purchases directly from the
17 defendant; correct?

18 A. Yes, they did.

19 Q. And there were no issues with the confidential
20 sources when they worked in that capacity; correct?

21 A. No issues at all.

22 Q. And it was a confidential source that indicated to
23 you that he went into the house and saw the defendant
24 using methamphetamine; correct?

25 A. Yes, that's correct.

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1 Q. And in regards to the laundering of money, he was
2 using this front company to buy the GBL that he would
3 then convert to GHB; correct?

4 A. Yes, that's correct.

5 Q. So he would use this company's bank account to
6 purchase from these companies that were supplying GBL?

7 A. Yes.

8 Q. Which would then be converted; correct?

9 A. Correct.

10 Q. In regards to the neighbors, had the neighbors
11 complained about any activity prior?

12 A. Not to the DEA. If they had complained to the
13 Dallas Police Department, we don't know.

14 Q. So it's fair to say based on what you know, that
15 he was able to conceal his activities there fairly well
16 even from the neighbors?

17 A. Yes.

18 Q. Now, you talked about there being computers that
19 are being examined and looked into. Based on the
20 information either from confidential sources or from
21 other individuals that you've talked to, have you been
22 noticed or told about any acts of violence?

23 A. Yes. As part of this investigation, cooperating
24 defendants and a victim of a sexual assault were
25 interviewed. As part of the interview with the victim

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1 of sexual assault, I learned that Mr. Cys had provided
2 a young man with GHB. That young man had passed out
3 and he had been sexually assaulted. Through a
4 cooperating defendant, I learned that this had happened
5 to multiple other people by Mr. Cys.

6 I also was told through a cooperating
7 defendant -- and this hasn't been corroborated yet
8 because we don't have the information back with the
9 computers, but the cooperating defendant told us that
10 we'd find child pornography on the computers as well
11 and that Mr. Cys had shown the cooperating defendant
12 that child pornography on multiple occasions.

13 Q. And had he shown any pictures of individuals that
14 were passed out possibly being the victims that you've
15 just mentioned?

16 A. Yes, and I've seen pictures of that, as well, of
17 people passed out and unconscious from taking GHB in
18 Mr. Cys' residence.

19 Q. Okay, thank you.

20 MR. GONZALEZ: That's all I have.

21 THE COURT: Any follow-up?

22 **RECROSS-EXAMINATION**

23 **BY MR. WEAVER:**

24 Q. The people that you say you saw pictures of passed
25 out, had they been sexually abused? Could you tell in

Special Agent Sean Geary - Recross by Mr. Weaver

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1 the pictures?

2 A. I can't tell by that, no.

3 Q. Okay. Do you know whether the people that you saw
4 passed out were the victims of the sexual abuse?

5 A. No, I don't know that.

6 Q. Were the people that you saw passed out adults over
7 the age of 18?

8 A. As far as I could tell, yes.

9 Q. What would you say the age of most of those people
10 were?

11 A. Maybe early twenties.

12 Q. So they would have been aware of what they were
13 doing?

14 A. Not necessarily. GHB is called a date rape drug
15 and it's commonly dropped into people's drinks, so no.
16 If it was passed out in that sense, then no, they
17 absolutely wouldn't have known what they were doing.

18 Q. Have you contacted any of those individuals that
19 were in the pictures?

20 A. I haven't identified them.

21 Q. All right. Are you going to?

22 A. If I can identify them, yes.

23 Q. Do you think, were they known to the people that
24 you had as confidential informants?

25 A. Not known to the cooperating defendant.

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1 Q. Okay. What about other individuals that you may
2 have debriefed in this case?

3 A. Not that I know so far.

4 Q. All right, thank you.

5 THE COURT: Anything else, Mr. Gonzalez?

6 MR. GONZALEZ: No, Your Honor, thank you.

7 THE COURT: All right. Thank you. You may
8 step down.

9 THE WITNESS: Thank you, Your Honor.

10 MR. GONZALEZ: Your Honor, we have no further
11 witnesses. Sorry, not further witnesses.

12 THE COURT: All right. Mr. Weaver, you may
13 call your witness.

14 MR. WEAVER: Your Honor, I would like to make
15 a brief proffer --

16 THE COURT: Okay.

17 MR. WEAVER: -- of evidence that we would
18 present.

19 THE COURT: Okay.

20 MR. WEAVER: -- on behalf of Mr. Cys.

21 Mr. Cys has basically been a life-long
22 resident of Texas in the Dallas area for 35 years.
23 During that time period he has participated in the
24 creation of what was called the Dallas Plan. He's done
25 fundraisers for the Dallas Arts Department. He's

1 volunteered to assist fathers in CPS cases and divorce
2 cases in helping them through those issues.

3 Of his family, only his brother and cousin
4 are living. He has April Davis, and I will call her in
5 a minute with regard to his custodian.

6 In all of the cases that the Court has
7 awareness of, he's always appeared, shown up when he is
8 supposed to have shown up and appear, I believe, on
9 those cases.

10 THE COURT: Well, counsel, I don't think
11 that's correct.

12 MR. WEAVER: Okay.

13 THE COURT: I think there's two --

14 MR. WEAVER: Failures.

15 THE COURT: -- two different instances where
16 his probation was revoked.

17 MR. WEAVER: Well, but I believe at those
18 hearings he showed up at the revocation hearings, Your
19 Honor. Even though his probation may have been
20 revoked, a motion was filed, he showed up for those
21 hearings.

22 THE COURT: Well, probably because he was
23 arrested; right? I mean, if your probation is revoked,
24 a warrant is issued for your arrest. I mean, this one
25 in 2004, the report states that he was revoked. Number

1 one, he was arrested for committing a new violation,
2 failing to report for January through May and failing
3 to report a change of address. So that certainly
4 doesn't weigh in your favor.

5 MR. WEAVER: Yes, ma'am.

6 THE COURT: And then there was another one in
7 2013 where his probation was revoked.

8 MR. WEAVER: Okay. I don't deny the criminal
9 history, Your Honor, and what transpired in the
10 revocations. I'm just saying he has appeared in court
11 when he is supposed to appear.

12 THE COURT: Okay.

13 MR. WEAVER: Mr. Cys would submit that his
14 criminal history is directly linked to addictions, drug
15 usage; and we'd ask the Court -- submit to the Court
16 that if he was released on pretrial release, that he
17 would volunteer and would reside in an Oxford House
18 setting, he would attend 90 meetings in 90 days. He
19 would ask the Court to allow him to be supervised by a
20 leg monitor so that the Court would know where he is at
21 all times.

22 He would submit to the Court that he's had
23 actual jobs and had jobs during this time period, but
24 he has been an Information Systems Coordinator with the
25 Tarrant County Court System. He's worked as a defense

1 contractor with Baker Hughes, providing logistics in
2 supply chain management. He has led an emergency
3 response team at a chemical plant in Orange, Texas
4 following a hurricane. He's recently worked for
5 Accenture in an infrastructure product for Caterpillar.
6 And he's a volunteer for the North Texas Support Teams
7 for the CVS Pharmacies and State Farm.

8 He would like to get out, Your Honor, I
9 think, also so that -- he would like to be able to do a
10 couple of things. One, he'd like to be able to hire an
11 attorney to represent him. He's expressed that several
12 times to me.

13 He also --

14 THE COURT: I'm sorry, why does he need to be
15 out of jail to be able to do that?

16 MR. WEAVER: To be able to get the funds to be
17 able to hire a lawyer.

18 THE COURT: You mean to be able to work?

19 MR. WEAVER: Yes, ma'am.

20 THE COURT: Okay.

21 MR. WEAVER: Additionally, for quite a period
22 of time he has been working to develop a product called
23 Kids Saver, which is actually a product that automobile
24 manufacturers put in their vehicles to detect life
25 forms, be it a child, be it a dog, or older person that

1 one might leave in the car. And he's developed a
2 prototype with that and has actually had meetings with
3 car manufacturers in Detroit. But he would like to be
4 able, knowing that he's not going to have the time, to
5 finish developing that product, and he thinks it has
6 high value in society in the community. He would like
7 to be able to be out so that he could get that product
8 in the capable hands that would continue and further
9 develop the product. He has a prototype already
10 developed for the product and he would like to be able
11 to do that.

12 While I would submit that his criminal
13 history does cover quite a period of time, the nature
14 of the crimes are those generally associated with drug
15 type offenses. And as far as the identity fraud cases
16 and things like that, they're associated with people
17 with drug problems. We'd submit it to the Court and we
18 would offer to the Court that we're certainly willing
19 to treat that and assist the Court in any way and
20 follow any rules the Court will make.

21 THE COURT: Let me ask you this, Mr. Weaver,
22 because you have focused a lot of your what you said on
23 drug use. I mean, the report states that the only drug
24 use that your client reported was marijuana tried once
25 37 years ago, and methamphetamines last used two years

1 ago. So, I mean, either that information is not
2 accurate or there's not a need for inpatient drug
3 treatment at this time. So which is it? Is the
4 information not accurate that's in the report that was
5 given to the officer by your client?

6 MR. WEAVER: I can't answer that question,
7 Your Honor. I don't know.

8 THE COURT: Well, I mean, I don't even think
9 an inpatient facility would accept someone if the truth
10 was that that person hadn't used meth in two years.

11 MR. WEAVER: Well, I'm just saying that a
12 majority of the criminal history that you have is based
13 on prior addiction and drug use. Obviously, there is
14 some contradiction already in the record with regard to
15 his use of methamphetamine based on Agent Geary's
16 testimony that the confidential informant presented or
17 told him that Mr. Cys was using meth. So certainly
18 there's a conflict there.

19 THE COURT: Okay. All right, thank you.

20 MR. WEAVER: Thanks.

21 THE COURT: Mr. Weaver, do you want to call
22 your witness?

23 MR. WEAVER: Yes.

24 THE COURT: Okay.

25 MR. GONZALEZ: Your Honor, in regards to the

1 proffer just given, we would object. It denies the
2 Government the opportunity to cross-examine any of
3 those witnesses. It's uncorroborated, much like the
4 information that's in here, where the probation officer
5 says that he attempted to verify the following
6 information, but was unsuccessful. So the information
7 provided by defense counsel is uncorroborated and it
8 denies the Government the opportunity to cross-examine
9 any witnesses.

10 THE COURT: All right, well, I'll overrule the
11 objection and allow the proffered information to be in
12 the record. But clearly, the Court recognizes that
13 that information has not been actually provided by any
14 witness here today and the Government has not had an
15 opportunity to cross-examine any of that information.

16 All right, Mr. Weaver.

17 MR. WEAVER: April Davis.

18 THE COURT: All right, ma'am, if you will come
19 up to the witness box, please.

20 DEPUTY CLERK: Do you solemnly swear that the
21 testimony you are about to give in the cause before the
22 Court will be the truth, the whole truth, and nothing
23 but the truth, so help you God?

24 THE WITNESS: So help me God.

25 DEPUTY CLERK: Be seated, please.

April Davis - Direct by Mr. Weaver

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1 **APRIL DAVIS, CALLED BY THE DEFENSE**

2 **DIRECT EXAMINATION**

3 **BY MR. WEAVER:**

4 Q. State your name, please, ma'am.

5 A. April Davis.

6 Q. And where do you reside, Ms. Davis?

7 A. XXX, Rowlett.

8 Q. And do you know David Christopher Cys?

9 A. Yes, I have for almost 10 years.

10 Q. All right. And how did you first meet him?

11 A. I met him through a mutual friend. He actually
12 fixed my computer. Had a virus, was locked down.

13 Q. You're here offering your services as a third-party
14 custodian for Mr. Cys?

15 A. I am.

16 Q. Do you have frequent contact with him?

17 A. He writes me, I think, daily.

18 Q. In his current situation?

19 A. Yes.

20 Q. When you were out and about in the free world, so
21 to speak, did you have contact with him?

22 A. I had contacts with him, nowhere near, you know,
23 what we are now that he's locked up, but he had -- we
24 were pretty close several years ago and then we started
25 kinda withdrawing a little bit, I guess with his --

April Davis - Cross by Mr. Gonzalez

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1 Q. Okay. Do you think you have -- do you have the
2 ability to stay in contact with him, monitor him?

3 A. Oh, sure.

4 Q. Do you think you could be of assistance to the
5 Court in seeing that he follows whatever terms and
6 conditions the Court may lay out for him?

7 A. I think I do. He has high regard for me and he
8 values my opinion whether -- it means something to him.

9 Q. If for some reason, Mr. Cys chose not to follow
10 your opinion and then the instructions, would you
11 report that to the Pretrial Office?

12 A. I absolutely would.

13 Q. Okay.

14 A. Absolutely. If I had the duty, then I would
15 fulfill it.

16 Q. All right.

17 MR. WEAVER: I'll pass the witness.

18 THE COURT: All right. Cross-examination.

19 MR. GONZALEZ: Just briefly, Your Honor.

20 **CROSS-EXAMINATION**

21 **BY MR. GONZALEZ:**

22 Q. Ms. Davis, you said you were friends with the
23 defendant prior to his incarceration; correct?

24 A. Yes.

25 Q. Did you go over to his house?

April Davis - Cross by Mr. Gonzalez

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1 A. Every once in a while. Mainly, we met out for
2 lunch or dinners.

3 Q. So how frequently do you say that you went over to
4 his house in the past year?

5 A. In the past year, I bet I went over five or six
6 times. Maybe a little bit more -- no, not actually,
7 not if you're saying -- like what date are you talking
8 about?

9 Q. A year prior to his arrest.

10 A. A year prior to his arrest. Actually, no, I have
11 not. When he lived on XXX, I did not like the house or
12 the people he had in it. And at this new house, when
13 it was the regulars, the original roommates, then I
14 came over. I came for Thanksgiving. I cooked for all
15 of them. At New Year's I showed up. But as far as
16 hanging out there frequently, no.

17 Q. Are you familiar with some of the individuals that
18 were living at his house?

19 A. A few of them. I think the Ramirez, I think that's
20 the kid. Yes, I met him about a year ago.

21 Q. When he was living at the house?

22 A. No, he never lived at the house.

23 Q. Did you know he was distributing meth or GHB for
24 him?

25 A. No, I did not. I mean, I knew he was a little

April Davis - Cross by Mr. Gonzalez

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1 juicy, but his girlfriend was very nice.

2 Q. Okay.

3 A. But as far as him, I only probably encountered him
4 probably four, maybe five times.

5 Q. What about other individuals that were living
6 there, such as Nicole Rene Martinez?

7 A. Okay. As far as drug use?

8 Q. Yes. What do you know about drug use?

9 A. What did I know about the drug use? Well, I didn't
10 know a whole lot, especially about the GHB. I'm not
11 really familiar with that. I know it's popular in the
12 gay community. I've learned more about it since he got
13 arrested than I ever knew about it.

14 Q. Did you see any drug use or any individuals using
15 drugs over there when you were there?

16 A. I think I saw people going off to the bedrooms.

17 Q. And that was at his residence?

18 A. Yes, on Clearwater.

19 Q. Okay. So some of the individuals were using drugs
20 at his residence; correct?

21 A. I can't confirm or deny that. Like I said, some
22 people slipped off into bedrooms. But as far as out in
23 the open in the living room, in common rooms, no, I did
24 not witness it.

25 Q. So why did you suspect that that's what they were

April Davis - Cross by Mr. Gonzalez

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1 doing?

2 A. Well, because, I mean, in a household of gay men,
3 I mean, some of them were a little more animated than
4 others. Like RuPaul's Drag Race, I don't know if
5 you've ever seen it, but there were a couple of them
6 that were just -- even the gay men would call them
7 flaming, you know.

8 Q. So it's safe to say that you wouldn't go over to
9 his house all that frequently; correct?

10 A. No, no.

11 Q. And that your contact with him was sporadic?

12 A. By telephone, though, he checked in quite often,
13 you know. Probably a week didn't go by that I would
14 hear from David on the phone.

15 Q. So it's safe to say that you weren't aware of his
16 distribution of GHB --

17 A. No, I was not.

18 Q. So, if he admitted to doing those things, you were
19 unaware of it and he was able to conceal that from you;
20 correct?

21 A. He was, but his stress levels are real high. When
22 I would ask him about it and stuff, he would say that,
23 you know, I'm just going through a lot right now, I've
24 got a lot going on. And I never pressed the issue. It
25 wasn't really my business.

April Davis - Cross by Mr. Gonzalez

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1 Q. But he never told you that he was doing those
2 things, was he -- did he?

3 A. No, he had not.

4 Q. So you were unaware of that and he was able to
5 conceal that from you; correct?

6 A. Yes, but I was aware that something was going on.
7 I mean, that's just my -- I don't know if you call it
8 feminine intuition. I just knew that something was
9 wrong.

10 Q. So who did you alert? Who did you call? Who did
11 you tell something was wrong or wasn't right? Anyone?

12 A. I tried to talk to him about it, but --

13 Q. Anyone else?

14 A. No. Well, let me see. I think I did talk to a
15 friend of his named Eric one time. He called me and
16 said he was worried about David.

17 And I said, "In what capacity are you worried
18 about?"

19 And he says, "He's not making good decisions."

20 And I said, "Well, he's a grown man, he'll make
21 decisions he wants." I said, "All you can do is try to
22 direct him away, you can't lead him."

23 Q. That's exactly right. He's a grown man, so if he
24 decided to go back into distributing drugs even while
25 living with you, you wouldn't be able to stop him;

April Davis - Cross by Mr. Gonzalez

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1 correct?

2 A. He wouldn't be living with me, not in the capacity
3 I could control.

4 Q. But that's not the question I asked you. You
5 wouldn't be able to stop him, would you, if he chose to
6 continue to distribute drugs, as he was before?

7 A. I believe my answer is the same. I would put him
8 out of my house. That is the only control I could have
9 is put --

10 Q. But he was able to conceal that from you before and
11 you didn't know about it?

12 A. I didn't see him on a daily basis. And when I did,
13 him and a helper were doing jobs.

14 Q. So you suspected that there were other things going
15 on, you suspected that there was drug use at his house,
16 and you did nothing about that, either, did you?

17 A. Well, what should I have done?

18 Q. Could have called the police.

19 A. Okay. On the assumption or possibility? No, I
20 wouldn't -- anyway, I don't think it's the reality of
21 life. I mean, we don't pose ourself in other people's
22 business unless it's posing a risk to the community or
23 with people's lives.

24 Q. But you would agree with me that the distribution
25 of large quantities of GHB and the distribution of

April Davis - Cross by Mr. Gonzalez

52

1 large quantities of methamphetamine is a risk to the
2 community?

3 A. Well, that's the allegations I'm hearing.

4 Q. And that's what he admitted to.

5 A. I never heard him admit to methamphetamine. I
6 mean, I heard him with the GHB, that he ordered the
7 chemical.

8 Q. But you heard the officer testify that he purchased
9 methamphetamine from him directly.

10 A. I believe he was connected. I don't believe that
11 he was supplying -- a supply and demand situation is
12 what I took the testimony to be.

13 Q. All right, thank you.

14 THE COURT: Any redirect?

15 MR. WEAVER: No, ma'am.

16 THE COURT: All right, thank you, ma'am. You
17 may step down.

18 THE WITNESS: Sure.

19 THE COURT: Mr. Weaver, do you have any
20 other -- yes?

21 DEPUTY CLERK: May I get the witness' name,
22 please?

23 THE COURT: April Davis.

24 DEPUTY CLERK: Thank you.

25 MR. WEAVER: I have no other witnesses, Your

1 Honor.

2 THE COURT: All right. Any additional
3 closing remarks that you want to make at this time,
4 Mr. Gonzalez?

5 MR. GONZALEZ: No, Your Honor.

6 THE COURT: All right. Mr. Weaver, any
7 additional remarks you'd like to make?

8 MR. WEAVER: If I may have just a moment, Your
9 Honor?

10 THE COURT: Okay.

11 MR. WEAVER: My client has something to tell
12 me.

13 ***[Pause]***

14 Your Honor, I think Mr. Cys is well aware
15 of the position that he's in. He believes that should
16 he be released, he would get legitimate employment to
17 be able to hire a lawyer that would assist him getting
18 through the issues that he's facing and the time that
19 he's facing in these cases. It is his strong desire to
20 be able to get out and get his product, that Kid Saver,
21 in the hands of somebody, give it to somebody so that
22 they can proceed and do it. He's willing to live under
23 the terms and conditions that the Court would place on
24 him and we believe that by putting him on a monitoring
25 system, having him to report on a regular basis, having

1 his third party custodian, would help the Court and
2 keep him in line to appear. He understands if he
3 doesn't appear, there's dire consequences to him, that
4 he won't ever be able to overcome with regard to the
5 results of these cases that he has pending against him.

6 Thank you.

7 THE COURT: All right, thank you.

8 Mr. Cys, if you will please come to the
9 podium with your attorney.

10 All right. As has been stated by
11 Mr. Gonzalez, this is a presumption case. I believe
12 it's actually set for a Pretrial Conference coming up
13 in January 2020. Based on what's been presented here
14 today, I don't believe the presumption has been
15 rebutted. And therefore, the Court finds there's no
16 condition or combination that would reasonably assure
17 the appearance or the safety of the community.

18 All right, anything further from counsel?

19 MR. GONZALEZ: Nothing from the Government,
20 Your Honor. Thank you.

21 MR. WEAVER: No, Your Honor.

22 THE COURT: All right. We'll stand adjourned.
23 The court will be in recess.

24 ***[11:43 a.m. - Proceedings adjourned]***

25

C E R T I F I C A T I O N

I certify that the foregoing is a correct transcript of the electronic sound recording of the proceedings in the above-entitled matter.

/s/ Gwen Reed

2-22-20